



REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 10/037,184

Filing Date Jan. 2, 2002

First Named Inventor David I. Poisner

Art Unit 2841

Confirmation No. 6681

Examiner Name Thanh S. Phan

Attorney Docket No. 42390.P12974

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** – Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.)
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
- i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

2. **Miscellaneous**

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666.
- i. RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action
 - iv. Other _____

- b. Check in the amount of \$ 790.00 enclosed

- c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Michael J. Mallie Registration No. (Attorney/Agent) 36,591

Signature [Signature] Date August 31, 2005

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type) David Castro

Signature [Signature] Date August 31, 2005

09/06/2005 YPO/LITE1 00000106 10037184
01 FC:1801 790.00 OP



FEE TRANSMITTAL FOR FY 2005

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 790.00

Complete if Known:

Application No. 10/037,184
 Filing Date Jan. 2, 2002
 First Named Inventor David I. Poisner
 Examiner Name Thanh S. Phan
 Confirmation No. 6681
 Art Unit 2841
 Attorney Docket No. 42390.P12974

 Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify) _____

Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: _____

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

Charge fee(s) indicated below.

Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

Charge fee(s) indicated below except for the filing fee

Credit any overpayments.

Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.
 Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Large Entity		Small Entity		Fee Description	Fees Paid (\$)
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1011	300	2011	150	Utility application filing fee	
1111	500	2111	250	Utility search fee	1,000/500
1311	200	2311	100	Utility examination fee	
1012	200	2012	100	Design application filing fee	
1112	100	2112	50	Design search fee	430/215
1312	130	2312	65	Design examination fee	
1013	200	2013	100	Plant filing fee	
1113	300	2113	150	Plant search fee	660/330
1313	160	2313	80	Plant examination fee	
1004	300	2004	150	Reissue filing fee	
1114	500	2114	250	Reissue search fee	1,400/700
1314	600	2314	300	Reissue examination fee	
1005	200	2005	100	Provisional application filing fee	

SUBTOTAL (1) \$ 0.00

2. EXCESS CLAIM FEES

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fees Paid (\$)</u>
Total Claims <u>17</u> – 47 or HP = <u>0</u>	X \$50.00	= <u>0.00</u>	
HP = highest number of total claims paid for, if greater than 20			
Independent Claims <u>4</u> – 9 or HP = <u>0</u>	X \$200.00	= <u>0.00</u>	
HP = highest number of independent claims paid for, if greater than 3			
Multiple Dependent Claims	<u> </u>	<u> </u>	<u> </u>

<u>Large Entity</u>		<u>Small Entity</u>		
Fee	Fee	Fee	Fee	<u>Fee Description</u>
Code	(\$)	Code	(\$)	Each claim over 20
1202	50	2202	25	
1201	200	2201	100	Each independent claim over 3
1203	360	2203	180	Multiple dependent claims, if not paid
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent
1205	50	2205	25	Reissue: each independent claim more than in the original patent

SUBTOTAL (2) \$ 0.00

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
_____	- 100 = _____	/ 50 = _____ (round up to whole number)	X \$250.00	_____

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description:</u> Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1081	250	2081	125	Utility
1082	250	2082	125	Design
1083	250	2083	125	Plant
1084	250	2084	125	Reissue

SUBTOTAL (3) \$ 0.00

FEE CALCULATION (continued)

4. OTHER FEE(S)

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fees Paid (\$)</u>		
Non-English Specification, \$130 fee (no small entity discount)					
Fee Code	Fee (\$)	Fee Code (\$)			
1051	130	2051	65 Surcharge - late filing fee or oath		
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet		
1053	130	1053	130 Non-English specification		
1812	2,520	1812	2,520 For filing a request for ex parte reexamination		
1813	8,800	1813	8,800 Request for inter parties reexamination		
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action		
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action		
1251	120	2251	60 Extension for reply within first month		
1252	450	2252	225 Extension for reply within second month		
1253	1,020	2253	510 Extension for reply within third month		
1254	1,590	2254	795 Extension for reply within fourth month		
1255	2,160	2255	1,080 Extension for reply within fifth month		
1401	500	2401	250 Notice of Appeal		
1402	500	2402	250 Filing a brief in support of an appeal		
1403	1,000	2403	500 Request for oral hearing		
1451	1,510	1451	1,510 Petition to institute a public use proceeding		
1452	500	2452	250 Petition to revive – unavoidable		
1453	1,500	2453	750 Petition to revive - unintentional		
1501	1,400	2501	700 Utility issue fee (or reissue)		
1502	800	2502	400 Design issue fee		
1503	1100	2503	550 Plant issue fee		
1462	400	1462	400 Petitions to the Commissioner (CFR 1.17(f) Group I)		
1463	200	1463	200 Petitions to the Commissioner (CFR 1.17(g) Group II)		
1464	130	1464	130 Petitions to the Commissioner (CFR 1.17(h) Group III)		
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)		
1806	180	1806	180 Submission of Information Disclosure Stmt		
8021	40	8021	40 Recording each patent assignment per property (times number of properties)		
1809	790	2809	395 For filing a submission after final rejection (see 37 CFR 1.129(a))		
1814	130	2814	65 Statutory Disclaimer		
1810	790	2810	395 For each additional invention to be examined (see 37 CFR 1.129(b))		
1801	790	2801	395 Request for Continued Examination (RCE)		
1802	900	1802	900 Request for expedited examination of a design application		
1504	300	1504	300 Publication fee for early, voluntary, or normal pub.		
1505	300	1505	300 Publication fee for republication		
1803	130	1803	130 Request for voluntary publication or republication		
1808	130	1808	130 Processing fee under 37 CFR 1.17(i) (except provisionals)		
1454	1,370	1454	1,370 Acceptance of unintentionally delayed claim for priority		
Other fee (specify) _____					
Other fee (specify) _____					
SUBTOTAL (4) \$			790.00		
*Reduced by Basic Filing Fee Paid					
SUBMITTED BY:					
Typed or Printed Name: <u>Michael J. Mallie</u>					
Signature: <u>[Signature]</u>	Date: _____	August 31, 2005			
Reg. Number: <u>36,591</u>	Telephone Number: <u>408-720-8300</u>				
Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450					